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INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE  
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RUEHAK/AMEMBASSY ANKARA 3434  
RUEHBJ/AMEMBASSY BEIJING 1252  
RUEHKO/AMEMBASSY TOKYO 1119  
RUEHIT/AMCONSUL ISTANBUL 1688  
RHMFIUU/CDR USCENCOM MACDILL AFB FL  
RUEHVEN/USMISSION USOSCE 2266  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEKJCS/JOINT STAFF WASHDC

UNCLAS ASHGABAT 000284

SIPDIS

STATE FOR SCA/CEN, EEB/TPP/IPE (BOGER), INL (BUHLER)  
DEPT PASS TO USTR JCHOE-GROVES AND ITA CPETERS

SIPDIS

E.O. 12958: N/A  
TAGS: [PGOV](#) [ECON](#) [ETRD](#) [KIPR](#) [TX](#)  
SUBJECT: TURKMENISTAN: 2008 SPECIAL 301 REVIEW

Ref: State 009475

11. (U) The 2008 Special 301 review process was announced to the Government of Turkmenistan via diplomatic note on January 30. Post recommends keeping Turkmenistan on the 2008 Special 301 Watch List and suggests including the following paragraph on Turkmenistan in the 2008 Special 301 report:

12. (U) Turkmenistan has been on the Watch List since 2000, and it will remain on the Watch List in 2008 due to its lack of progress on IPR issues during the past year. Turkmenistan has numerous remaining steps to take in order to fulfill its IPR obligations under the 1993 U.S.-Turkmenistan Trade Agreement. Specifically, Turkmenistan is neither a member of the Berne Convention nor the Geneva Phonograms Convention and it has not yet signed the WIPO Internet Treaties. Although the Civil and Criminal Codes provide some degree of IPR protection and punishment for copyright violations and the Civil Code provides for counterfeited goods' confiscation by a court decision, Turkmenistan has yet to adopt more explicit and comprehensive administrative and civil procedures and criminal penalties for IPR violations. Turkmenistan has not adopted a separate Copyright Law and consequently does not provide any protection to foreign sound recordings or pre-existing works. IPR enforcement is inadequate because the Customs Code does not provide ex officio authority to seize suspected infringing material at the border. There are no known civil ex parte search procedures. The United States urges Turkmenistan to join appropriate international agreements and adopt the national legal reforms that will bring Turkmenistan into compliance with its obligations under the bilateral 1993 U.S.-Turkmenistan Agreement, and to undertake enforcement activities that will help strengthen its IPR regime.

13. (U) The ministry sent a diplomatic note, which the embassy received February 25, that:

-- Stated that Turkmenistan is a party to a number of international treaties on protection of intellectual property, including the Convention Establishing the World Intellectual Property Organization, the Paris Convention, the Patent Cooperation Treaty, the Eurasian Patent Convention, and the Protocol Relating to the Madrid Agreement, the Strasbourg Agreement, the Vienna Agreement, The Nice Agreement and the Locarno Agreement.

-- Indicated that Turkmenistan is studying the idea of becoming a party to the Hague Agreement.

-- Stated that Turkmenistan has drafted and has submitted for Cabinet and legislative approval - but has not yet approved - five new laws on copyright and related rights, inventions and industrial designs, trademarks, service marks and appellations of origin, legal protection of selection achievements, and protection of unfair competition.

-- Expressed Turkmenistan's intent in 2008 to prepare a number of amendments and additions to existing laws, such as the Law on Commercial Secrets and the Customs Code, to enhance protection of intellectual property.

-- Said that Turkmenistan's Patent Service conducted a joint (with the World Intellectual Property Organization) seminar in Ashgabat to inform relevant agencies (Customs, law enforcement, judges and SME representatives) of existing guidelines on protection of intellectual property rights.

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